

cost-effective procedures to ensure that a social security account number (or any derivative thereof) is not displayed, coded, or embedded on the Medicare card issued to an individual who is entitled to benefits under part A of title XVIII or enrolled under part B of title XVIII and that any other identifier displayed on such card is easily identifiable as not being the social security account number (or a derivative thereof)."

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall apply with respect to Medicare cards issued on and after an effective date specified by the Secretary of Health and Human Services, but in no case shall such effective date be later than the date that is 24 months after the date adequate funding is provided pursuant to subsection (d)(2).

(2) REISSUANCE.—Subject to subsection (d)(2), in the case of individuals who have been issued such cards before such date, the Secretary of Health and Human Services—

(A) shall provide for the reissuance for such individuals of such a card that complies with such amendment not later than 3 years after the effective date specified under paragraph (1); and

(B) may permit such individuals to apply for the reissuance of such a card that complies with such amendment before the date of reissuance otherwise provided under subparagraph (A) in such exceptional circumstances as the Secretary may specify.

(c) OUTREACH PROGRAM.—Subject to subsection (d)(2), the Secretary of Health and Human Services, in consultation with the Commissioner of Social Security, shall conduct an outreach program to Medicare beneficiaries and providers about the new Medicare card provided under this section.

(d) REPORT TO CONGRESS AND LIMITATIONS ON EFFECTIVE DATE.—

(1) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Health and Human Services, acting through the Administrator of the Centers for Medicare & Medicaid Services and in consultation with the Commissioner of Social Security, shall submit to Congress a report that includes detailed options regarding the implementation of this section, including line-item estimates of and justifications for the costs associated with such options and estimates of timeframes for each stage of implementation. In recommending such options, the Secretary shall take into consideration, among other factors, cost-effectiveness and beneficiary outreach and education.

(2) LIMITATION; MODIFICATION OF DEADLINES.—With respect to the amendment made by subsection (a), and the requirements of subsections (b) and (c)—

(A) such amendment and requirements shall not apply until adequate funding is transferred pursuant to section 11(b) to implement the provisions of this section, as determined by Congress; and

(B) any deadlines otherwise established under this section for such amendment and requirements are contingent upon the receipt of adequate funding (as determined in subparagraph (A)) for such implementation. The previous sentence shall not affect the timely submission of the report required under paragraph (1).

SEC. 969. IMPLEMENTATION.

(a) EMPOWERING THE HHS OIG AND GAO.—Except as otherwise provided, to the extent practicable, the Secretary of Health and Human Services (in this section referred to as the "Secretary") shall—

(1) carry out the provisions of and amendments made by this subtitle in consultation with the Inspector General of the Department of Health and Human Services; and

(2) take into consideration the findings and recommendations of the Comptroller General of the United States in carrying out such provisions and amendments.

(b) FUNDING.—The Secretary shall provide for the transfer, from the Health Care Fraud and Abuse Control Account under section 1817(k) of the Social Security Act (42 U.S.C. 1395i(k)), to the Centers for Medicare & Medicaid Services Program Management Account, of such sums, provided such sums are fully offset, as the Secretary determines are for necessary administrative expenses associated with carrying out the provisions of and amendments made by this subtitle (other than section 967). Amounts transferred under the preceding sentence shall remain available until expended.

(c) SAVINGS.—Any reduction in outlays under the Medicare program under title XVIII of the Social Security Act under the provisions of, and amendments made by, this subtitle may only be utilized to offset outlays under part A of title XVIII of the Social Security Act.

NOTICES OF INTENT TO SUSPEND THE RULES

Mr. COBURN. Mr. President, in accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XXII for the purposes of proposing and considering amendment no. 4764 to the House Message to accompany H.R. 4853.

Mr. President, in accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XXII for the purposes of proposing and considering amendment no. 4765 to the House Message to accompany H.R. 4853.

ORDER OF PROCEDURE

Mr. DURBIN. Madam President, I ask unanimous consent that on Tuesday, December 14, at 11:30 a.m., Senator BOND be recognized for up to 20 minutes to make his farewell address to the Senate; that at 3:15 p.m., Senator HARKIN be recognized to speak for up to 45 minutes; and that Senator KIRK be recognized at 5 p.m. to make his maiden speech to the Senate; further, that any time utilized be charged under rule XXII.

The PRESIDING OFFICER. Without objection, it is so ordered.

ESTABLISHING A PILOT PROGRAM TO ENCOURAGE ENHANCEMENT OF EXPERTISE IN PATENT CASES

Mr. DURBIN. I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H.R. 628 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 628) to establish a pilot program in certain United States district courts to encourage enhancement of expertise in patent cases among district judges.

There being no objection, the Senate proceeded to consider the bill.

Mr. DURBIN. I ask unanimous consent that a Leahy amendment at the desk be agreed to, the bill, as amended, be read a third time and passed, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4801), in the nature of a substitute, was agreed to, as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. PILOT PROGRAM IN CERTAIN DISTRICT COURTS.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established a program, in each of the United States district courts designated under subsection (b), under which—

(A) those district judges of that district court who request to hear cases under which 1 or more issues arising under any Act of Congress relating to patents or plant variety protection are required to be decided, are designated by the chief judge of the court to hear those cases;

(B) cases described in subparagraph (A) are randomly assigned to the judges of the district court, regardless of whether the judges are designated under subparagraph (A);

(C) a judge not designated under subparagraph (A) to whom a case is assigned under subparagraph (B) may decline to accept the case; and

(D) a case declined under subparagraph (C) is randomly reassigned to 1 of those judges of the court designated under subparagraph (A).

(2) SENIOR JUDGES.—Senior judges of a district court may be designated under paragraph (1)(A) if at least 1 judge of the court in regular active service is also so designated.

(3) RIGHT TO TRANSFER CASES PRESERVED.—This section shall not be construed to limit the ability of a judge to request the reassignment of or otherwise transfer a case to which the judge is assigned under this section, in accordance with otherwise applicable rules of the court.

(b) DESIGNATION.—

(1) IN GENERAL.—Not later than 6 months after the date of the enactment of this Act, the Director of the Administrative Office of the United States Courts shall designate not less than 6 United States district courts, in at least 3 different judicial circuits, in which the program established under subsection (a) will be carried out.

(2) CRITERIA FOR DESIGNATIONS.—

(A) IN GENERAL.—The Director shall make designations under paragraph (1) from—

(i) the 15 district courts in which the largest number of patent and plant variety protection cases were filed in the most recent calendar year that has ended; or

(ii) the district courts that have adopted, or certified to the Director the intention to adopt, local rules for patent and plant variety protection cases.

(B) SELECTION OF COURTS.—From amongst the district courts that satisfy the criteria for designation under this subsection, the Director shall select—

(i) 3 district courts that each have at least 10 district judges authorized to be appointed by the President, whether under section 133(a) of title 28, United States Code, or on a temporary basis under any other provision of law, and at least 3 judges of the court have made the request under subsection (a)(1)(A); and